



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

FILED  
JUN 17 2011

PURSUANT TO ROH Sec. 1-2.5

No. 10-149

## RESOLUTION

RELATING TO ADVISORY BODIES FOR THE USE OF MONEYS IN THE CLEAN WATER AND NATURAL LANDS FUND.

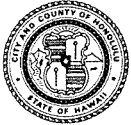
WHEREAS, recognizing the threat to valuable undeveloped lands on Oahu, the city's voters approved a charter amendment in 2006 (codified as Section 9-204, Revised Charter of Honolulu 1973 ("RCH")), that established a Clean Water and Natural Lands Fund ("Fund") and required the council to appropriate a portion of the city's real property tax revenues to purchase real estate expressly for land conservation; and

WHEREAS, the purpose of the Fund, as set forth in RCH Section 9-204.2, is to provide for the city's purchase or acquisition by other means of real estate or any interest therein for land conservation in the city for the following purposes:

- Protection of watershed lands to preserve water quality and water supply;
- Preservation of forests, beaches, coastal areas and agricultural lands;
- Public outdoor recreation and education, including access to beaches and mountains;
- Preservation of historic or culturally important land areas and sites;
- Protection of significant habitats or ecosystems, including buffer zones;
- Conservation of land in order to reduce erosion, floods, landslides, and runoff; and
- Acquisition of public access to public land and open space;

and

WHEREAS, pursuant to this charter amendment, the city council passed Ordinance 07-18 (codified as Chapter 6, Article 62, Revised Ordinances of Honolulu 1990 ("ROH")), which provides in part that: "All expenditures from this fund shall be made consistent with the priorities established by a commission created by council resolution or, in the absence of a commission, with the priorities established by the council by resolution"; and



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WHEREAS, the council adopted Resolution 07-355, CD1, establishing a Clean Water and Natural Lands Commission ("Commission") to advise and assist the council in its efforts to set priorities and policies for expenditures from the Fund; and

WHEREAS, although the Commission has worked diligently and recommended to the council projects to be funded from the Fund and the council has appropriated moneys from the Fund in accordance with the Commission's recommendations, the city administration has not implemented the projects, and in the budget documents submitted to the council for Fiscal Year 2010-2011 has proposed its own projects to utilize moneys in the Fund; and

WHEREAS, the council believes the work of a citizen body created to make recommendations on the use of moneys in the Fund would be more productive if supported by the city administration as well as the council; and

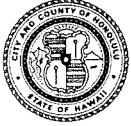
WHEREAS, RCH Section 4-103 provides for the appointment of executive advisory committees to advise the city administration, but such advisory committees "shall not exist beyond the term of office of the appointing authority"; and

WHEREAS, notwithstanding the recommendations of any executive advisory committee on the use of moneys in the Fund or of the city administration, pursuant to RCH Sections 3-113 and 9-104, the final budgetary determinations relating to moneys in the Fund are made by the council in the annual budget ordinances; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it recommends that the mayor appoint a Clean Water and Natural Lands Advisory Committee ("Committee") to advise the city administration on the expenditure of moneys in the Fund; and

BE IT FURTHER RESOLVED that the council recommends that the Committee:

- (1) Be composed of nine members, of which four are appointed by the mayor, four appointed by the council, and one member appointed jointly by the mayor and the council, with any replacement member to be appointed in the same manner as the member being replaced;
- (2) Be responsible for soliciting and reviewing all proposals, including those from nonprofit and land conservation organizations, for use of moneys from the Fund for the city's acquisition of land and interests in land for conservation purposes; and



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- (3) Prior to February 1 of each year, make recommendations for the expenditure of moneys in the Fund to the mayor and the director of budget and fiscal services, and file a copy thereof with the city clerk;

and

BE IT FURTHER RESOLVED that upon the appointment of the ninth member of the Committee, the Clean Water and Natural Lands Commission established by council Resolution 07-355, CD1, be superseded by this Resolution and the Commission be dissolved; and

BE IT FURTHER RESOLVED that if the Committee is established consistent with the foregoing, but ceases to exist for any reason, the council hereby expresses its intention to reestablish a body similar to the Commission established by Resolution 07-355, CD1; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the chair of the Clean Water and Natural Lands Commission, to the director of budget and fiscal services and to the mayor.

INTRODUCED BY:

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DATE OF INTRODUCTION:

JUN 17 2010

Honolulu, Hawaii

Councilmembers